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U.S. Department of Justice FY 2026 Contingency Plan

- September 29, 2025 -

This FY 2026 Contingency Plan covers Department of Justice (DOJ or the Department) operations during a lapse in appropriations.

The Antideficiency Act restricts the Federal Government's ability to obligate funds in advance of appropriations or beyond appropriated levels. During a lapse in appropriations, the Department will only continue the following categories of activities:

1. Those funded by a source that has not lapsed, such as permanent indefinite appropriations and carryover of no-year funds appropriated in a prior year;
2. Those for which there is an express authority to continue during an appropriations lapse;
3. Those for which authority to continue during an appropriations lapse arises by necessary implication;
4. Those related to the discharge of the President's constitutional duties and powers; and
5. Those related to "emergencies involving the safety of human life or the protection of property," *i.e.*, where there is a reasonable likelihood that the safety of human life or the protection of property would be compromised, in some significant degree, by delay in the performance of the function in question.

The Department of Justice is comprised of components that have a broad array of national security, law enforcement, and criminal justice system responsibilities. The Department's mission is to enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans.

Therefore, a significant portion of the Department's mission relates to the safety of human life and the protection of property, and primarily for this reason, the Department has a high percentage of activities and employees that are excepted from the Antideficiency Act restrictions and can continue during a lapse in appropriations. Other activities and employees are excepted because they are funded with multi-year or no-year appropriations, or because they are Presidential appointees, most of whom are excepted from furlough because they are not covered by the leave system in 5 U.S.C. Chapter 63.¹ Note that the contingency plan assumes that, at the

¹ Note: Former career Senior Executive Service (SES) appointees who receive a Presidential appointment that would

time of a shutdown, all Components and Subcomponents normally headed by a Presidential appointee are in fact headed by a Presidential Appointee. If at the time of shutdown, the Department does not have Presidential appointees in one or more of those positions, the Department will determine the excepted status of those who are acting in those positions in accordance with the criteria above.

Agency Summary

The total number of agency employees on board at the time the Department initially issued this Contingency Plan was 115,131² (see Table 2). Based on onboard personnel data as of May 31, 2025, for a lapse in appropriations for the first five calendar days of FY 2026, beginning on October 1, 2025, 102,291 DOJ employees would be excepted from furlough (see Table 1), representing 89% of DOJ on-board employees.

**Table 1: Department of Justice FY 2026 Contingency Plan Exceptions
Employees Excepted from Furlough**

Categories		Total Excepted Employees
Category 1	Employees whose compensation is financed by a resource other than annual appropriation (also referred to as “exempt employees”)	4,930
Category 2	Employees necessary to perform activities expressly authorized by law to continue during a lapse in appropriations	1,408
Category 3	Employees necessary to perform activities necessarily implied by law	3,190
Category 4	Employees necessary to the discharge of the President’s constitutional duties and powers	30
Category 5	Employees necessary to protect life and property	92,733
Total		102,291

normally convey an exemption from the leave system may be eligible to elect to retain SES leave benefits under 5 U.S.C. § 3392(c). If SES leave benefits are so elected, such a Presidential Appointee would be subject to furlough under 5 CFR part 359, subpart H, unless otherwise excepted.

² With limited exceptions, onboard staffing data are derived from DOJ’s payroll system and reflect information from pay period 10, 2025.

The Department's plan is consistent with Office of Legal Counsel (OLC) opinions and Office of Management and Budget (OMB) guidance and conforms to the following general principles:

- The law enforcement capacity of the U.S. Government should not be impaired or perceived to be impaired. To do so could constitute an imminent threat to the safety of human life and the protection of property.
- Components may call some employees back to work if the need for their services becomes critical, and furlough others as conditions change.
- Ancillary support services will be maintained to the extent necessary to support excepted operations. These ancillary functions include legislative affairs and other congressional support activities, public affairs activities, and community outreach, which may be conducted to the extent the failure to perform those functions prevents or significantly damages the functioning of a funded component, the operations of other funded parts of the Government, or the performance of an excepted function.
- Employees may not be reassigned or given new duties, and offices may not be restructured, in order to move individuals from a non-excepted function into an excepted function (although some rotational coverage of excepted positions will occur).

With respect to litigation, the Department's plan assumes that the Judicial Branch will continue to operate, though possibly at a reduced level, through the lapse. Therefore:

- Criminal litigation will continue without interruption as an activity essential to the safety of human life and the protection of property. Domestic and international extraditions are also necessary to protect life and property and therefore excepted. Extradition requests are made pursuant to bilateral and multilateral treaties which carry obligations to extradite within a treaty deadline timeframe that cannot be extended due to a lapse in appropriation.
- Civil litigation will be curtailed or postponed to the extent that this can be done without compromising to a significant degree the safety of human life or the protection of property. Litigators will approach the courts and request that active cases, except for those in which a delay would compromise to a significant degree the safety of human life or the protection of property, be postponed until funding is available. If a court denies such a request and orders a case to continue, the Government will comply with the court's order, which would constitute express legal authorization for the activity to continue. The Department will limit its civil litigation staffing to the minimum level needed to comply with the court's order and to protect life and property. Receipt of summonses, pleadings and motions by mail may be delayed.

Assumptions relating to training activities (where the funding for those training activities has lapsed) are as follows:

- To ensure the proper execution of the Department's emergency functions, components may determine that the training of new employees in positions that have been designated as "emergency" is an excepted function.
- To the extent that the training of new "emergency" employees is in process or about to begin when a lapse occurs, components should consider whether a short delay (for example, over the weekend) in the training will compromise emergency functions. If such a delay will not compromise emergency functions, components should consider keeping the employees at the training center but delaying the training itself or not sending the employees to the training during the brief delay. If at any point the component determines that the delay in training might impact emergency functions, the training should resume.
- New employees who are not in positions designated as "emergency" should not start work during the lapse and should not be trained.
- In-service training of current employees, even those excepted from furlough, will be cancelled.
- Generally, training of state and local officers should be cancelled during a lapse of appropriations. However, components should use their judgment to determine whether, in exceptional circumstances, there is a reasonable and articulable connection between the training and the safety of human life or the protection of property, and there is a reasonable likelihood that the safety of human life or the protection of property would be significantly compromised if the training were delayed. If so, such training may continue.
- Generally, training for international law enforcement officers occurring in the United States will be cancelled. However, with respect to training international law enforcement officers abroad (such as the training of officers who will be working in a combat zone), components will use their judgment to determine whether such training needs to occur immediately to protect human life or property. If so, such training may continue.
- For those components who use the Federal Law Enforcement Training Center (FLETC) for training, shutdown and reengagement plans will be coordinated with the Department of Homeland Security and FLETC personnel.

Employee relocations will, for the most part, be postponed during a lapse. Exceptions will be made for employees performing emergency functions who were in the process of moving and/or

had their relocation authorizations approved prior to the lapse, but reimbursements for their expenses may be delayed. New relocations will not be approved unless: (a) they are being paid from a funded source (e.g., Diversion fees or Federal Bureau of Investigation (FBI) no-year funding) or (b) they are necessary to continue emergency functions.

With respect to overseas operations, the Department will defer to the Chief of Mission (COM) for all employees (DOJ and contract) who are posted at an embassy or installation and will ensure its employees comply fully with all applicable directives of the COM related to the continued or suspended business of the embassy or installation.

Department programs funded with permanent indefinite appropriations or other funding not subject to annual appropriation (e.g., Diversion Control, Health Care Fraud and Abuse Control, Debt Collection, Assets Forfeiture Fund, Federal Prison Industries) are displayed in the plan as excepted positions (and are also referred to as “exempted positions” in other contexts), because their funding is not dependent upon an enacted appropriation. Also included within the accounts that have funding are the Bureau of Prisons’ (BOP) Buildings and Facilities and Commissary accounts, which have carryover funding from their multi-year authority. Employees paid from these funding sources are not dependent upon an enacted appropriation and are therefore considered excepted. In light of the continued availability of these funding sources, approximately 4,930 excepted employees will be paid, at least initially, in the event of a lapse. The rest of the excepted employees will work without pay.

The Department notes that certain components are in the process of being eliminated as standalone components as part of the Department’s Agency Reduction In Force (RIF) and Reorganization Plan (ARRP). Employees in these components who qualify for an exception will be excepted. These component eliminations are expected to occur after October 1, 2025, and this plan is subject to updates after that time. The excepted employee charts reflect these ARRP transitions as much as possible, but are based on the Department’s current, not future, state.

Individual DOJ Component Summaries

The following is a synopsis of the DOJ components’ plans, including the nature of the agency activities in which excepted employees will be engaged. The attached Table 2 provides the total number of employees in the component on-board when the plan was issued; the total number of component employees excepted from furlough under each of the recognized exceptions; and the agency’s legal basis for each of its determinations to except employees.

Department Leadership Offices: These offices are funded through the Justice Operations, Management, and Accountability (JOMA) account and include Presidential Appointees, who are not subject to furlough by virtue of their appointment status, while a sizeable number of employees in these organizations will be furloughed. The excepted employees will provide overall Departmental leadership and policy management for ongoing operations that protect life

and property and for other excepted activities during the lapse of appropriations.

Justice Management Division: The JOMA account also funds a portion of the functions and staff of the Justice Management Division (JMD). Excepted JOMA-funded JMD employees will support ongoing operations that protect life and property, including IT support and building security at the Main Justice Building. The Working Capital Fund (WCF) is funded by reimbursements from a variety of sources, but primarily from sources that are appropriated annually and will not be available if there is a lapse in appropriations; many of these functions will be curtailed during the lapse. In addition, a number of JMD employees are funded by the Three Percent Fund for debt collection, which is not subject to annual appropriation, and thus these employees are excepted under Category 1 and therefore continue to work during a lapse in appropriations.

JMD also oversees the Justice Information Sharing Technology (JIST) and the WCF Information Technology accounts. Excepted employees in these areas are needed to operate the 24/7 Justice Security Operations Center, which provides information security for the Department's systems, including those required for exempted and excepted functions. In addition, these employees are needed for information technology operations and systems that support ongoing law enforcement operations that will continue during any lapse in appropriations.

Executive Office for Immigration Review (EOIR): A national emergency was declared by President Trump citing the threat to the national security and economy of the United States caused by illegal migration. EOIR's primary mission is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. EOIR currently has a backlog approaching four million cases which would be greatly exacerbated during a shutdown absent excepted activities. EOIR staff, including administrative oversight and support staff, that are needed to process immigration cases and appeals involving detained respondents, including criminal aliens, are excepted employees in the event of a shutdown. Non-court employees, including general counsel, policy and human relations employees, will be reduced to the minimum necessary to support excepted operations. Employees are excepted on the basis of the recognized exceptions to the Antideficiency Act, including the exception for activities necessary to protect life and property.

General Legal Activities (GLA): The GLA account includes the following components: Office of the Solicitor General, Criminal Division, Civil Division, Environment and Natural Resources Division, Office of Legal Counsel, and Civil Rights Division. The Solicitor General and the Assistant Attorneys General are Presidential Appointees and are not subject to furlough. Three organizations that are impacted by the Department's ARRP were also funded through GLA in FY 2025: INTERPOL Washington, the Tax Division, and the Office for Access to Justice.

The excepted employees are necessary to provide legal advice on ongoing excepted functions of

the Executive Branch, including matters of national security and presidential authority, to the Attorney General, the Deputy Attorney General, others within the Department, the White House, the National Security Council, and the Departments of State and War. Excepted employees will also review Attorney General Orders, Executive Orders and Proclamations, and presidential memoranda and directives; ensure that criminal litigation continues uninterrupted; seek continuances for civil and appellate litigation, except as necessary for the immediate protection of life or property; proceed with civil and appellate litigation should attempts to secure continuances fail; provide administrative advice and resource allocation guidance to Civil Rights Prosecution personnel and the Assistant Attorney General, Civil Rights Division, in the event of civil disorder; respond to and investigate complaints of alleged criminal civil rights violations involving endangerment of life or property and handle complaints from institutionalized persons concerning life-threatening situations. Also, excepted employees are needed to provide uninterrupted communications among federal, state, local and international law enforcement entities in furtherance of, among other things, criminal investigations and the apprehension of fugitives and criminal and illegal aliens. If a court denies a litigator's request to postpone a case and orders it to continue, the litigation will become an excepted activity that can continue during the lapse.

U.S. Marshal Service (USMS): As a Presidential Appointee, the Director of USMS is not subject to furlough. The ninety-four U.S. Marshals in the Federal Districts are Presidential Appointees, but are subject to the leave system in 5 U.S.C. Chapter 63, and, therefore, are subject to furlough. However, since they all have duties directly related to the protection of life and property, they are excepted from furlough and will continue working. The excepted employees, including the U.S. Marshals, are needed to carry out duties associated with judicial security; prisoner custody, security, and transportation; and fugitive apprehension. Some Headquarters personnel are also excepted as their functions are critical to the support of the U.S. Marshals and Deputy U.S. Marshals in the field – this support includes integrity assurance, oversight of investigative operations and judicial security, tactical operations, witness security, Basic Deputy U.S. Marshal training, and management functions that include law and policy, budget and finance, procurement, information technology, human resource administration, and security. In the event of an extended lapse in appropriations, the USMS would require additional excepted positions across its Divisions.

Office of the Inspector General (OIG): As a Presidential Appointee, the Inspector General is not subject to furlough. The excepted employees are needed to investigate allegations of bribery, fraud, abuse, civil rights violations and violations of other criminal laws and administrative procedures arising from the conduct of Department employees, contractors and grantees; support law enforcement functions; oversee emergency operations and provide legal advice and issue subpoenas; continue work on time-sensitive national security investigations; and provide security and administrative support for excepted personnel and emergency services. In addition, OIG has

excepted personnel under Category 1 who perform audits whose compensation is financed from sources other than direct appropriations. In the event of an extended lapse in appropriations, additional personnel may be needed.

Office of the Pardon Attorney (PARDON): PARDON's mission is to assist the President in the exercise of his constitutional clemency power, which falls within exception 4, enabling the "discharge of the President's constitutional duties and powers." This mission includes preparing warrants for clemency, providing recommendations to the President, undertaking investigations in pending clemency matters, and providing data and information to the President on individual clemency cases, the collective clemency caseload, and historical acts of clemency. PARDON is the sole office within the federal government that has expertise in this subject matter and is the only entity that can provide this key information to the President. Should the President wish to act on any pending clemency matter, or even to seek further information about pending or historical clemency cases, PARDON alone provides this vital service and data to the President. Without PARDON, presidential clemency decisions may be delayed for individuals who would otherwise receive clemency.

U.S. Attorneys (USA): Excepted employees are needed to address ongoing criminal matters and civil matters of urgency throughout the Nation. Criminal litigation will continue without interruption as an excepted activity to maintain the safety of human life and the protection of property. Civil litigation will be curtailed or postponed to the extent this can be done without compromising to a significant degree the safety of human life or the protection of property. If a court denies a litigator's request to postpone a case and orders it to continue, the litigation will become an excepted activity that can continue during the lapse. Headquarters support is maintained only to the extent necessary to support excepted operations. The Executive Office for United States Attorneys also expects that it will need to except additional employees in the event of an extended lapse.

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): As a Presidential Appointee, the Director of ATF is not subject to furlough. Excepted employees include: all agents in ATF's field divisions, who conduct the full range of criminal investigations in the firearms, arson, explosives, alcohol, and tobacco program areas; Industry Operations Investigators who conduct compliance inspections of Federal firearms and Federal explosives licensees (including those mandated under the Safe Explosives Act), as well as application inspections; and other personnel who collect, review and analyze intelligence data in support of criminal investigations. Headquarters support will be maintained only to the extent necessary to support excepted operations.

Drug Enforcement Administration (DEA): DEA's Administrator is a Presidential Appointee and not subject to furlough, and agents in DEA field organizations are excepted from furlough

because they support active counternarcotics investigations, particularly in light of recent authoritative actions – including the Department of Homeland Security Memorandum issued on January 22, 2025, expanding immigration enforcement authority – and Presidential directives, such as *Guaranteeing the States Protection Against Invasion* and *Designating Cartels and Other Organizations as Foreign Terrorist Organizations and Specially Designated Global Terrorists*. It is critical that DEA’s operational activities be maintained in the event of a lapse in appropriations given its essential roles in national security, public safety, and health. Headquarters personnel who provide critical support to excepted activities in the field will be maintained to the extent necessary to support those operations, which would include providing direction and priorities, legal support, and integrity assurance and investigative oversight.

Antitrust Division (ATR): As a Presidential Appointee, the Assistant Attorney General is not subject to furlough. The excepted employees are needed to conduct or directly support ongoing criminal trials, prepare for criminal proceedings that have been scheduled for court (including the handling of arraignments, pleas, and sentencing hearings), and conduct or support ongoing civil litigation in which a continuance cannot be obtained. They will also prepare cases that must be filed due to statutory deadlines, but only when an extension or waiver cannot be obtained and ATR leadership determines that allowing a proposed merger to go forward without objection would pose a reasonable likelihood of peril to property in which the United States has an immediate interest. The work conducted by the Division is funded from no-year appropriations, as are the employees. As a result, these activities may continue during a lapse as long as sufficient carryover funds remain and based upon input from Department leadership regarding mission requirements. However, for the sake of the FY 2026 contingency exercise, the Division is reflecting the level of personnel that would be needed if they had to reduce the personnel to only those most critical during a shutdown, 457 positions (60% of the total 761 positions on board),

U.S. Trustees Program (USTP): The USTP has excepted personnel who would continue to work without pay throughout the lapse. These excepted employees are needed to protect bankruptcy estate property through the appointment and oversight of fiduciaries and through other means. Excepted employees are responsible for coordinating meetings of debtors and creditors, as well as civil and criminal matters, including cases with the U.S. Attorneys and the FBI. Excepted employees are limited to performing only those functions in which there is a definite risk of substantial property loss or violation of law. Of the excepted staff about fifty-eight percent of staff would be attorneys, primarily in Program field offices, and forty-two percent would be other staff. Other staff include auditors in the field, as well as primary and back-up support for ongoing bankruptcy fee collection duties, statutory trustee oversight responsibilities and public affairs activities. In addition, this period would necessitate coverage in the areas of budget, physical security, and facilities support for our excepted field operations.

National Security Division (NSD): As a Presidential Appointee, the Assistant Attorney General is not subject to furlough. The excepted employees are needed to ensure the Department's national security investigations and prosecutions continue, that the Department's national security activities are coordinated both within the Department and with other government agencies, and to represent the Intelligence Community before the Foreign Intelligence Surveillance Court, which will remain open to facilitate the national security activities of the United States in a manner consistent with the law. NSD will also provide legal advice to the Intelligence Community with respect to ongoing national security matters and oversee the Department's administration of the U.S. Government's authorities under the Foreign Intelligence Surveillance Act. In addition, excepted employees will continue work on pending counterterrorism, espionage, export control, sanctions violations and cybersecurity prosecutions and investigations; coordinate and supervise the Department's international terrorism, domestic terrorism, and weapons of mass destruction matters; and continue to review Committee on Foreign Investment in the United States matters, including responding to time-sensitive inquiries regarding the national security implications of corporate conduct in compliance with National Security Agreements. In the event of an extended lapse in appropriations, NSD has indicated the need for 31 additional excepted employees. The majority of the thirty-one positions would fall under the Other Staff category. These positions would include paralegals, security, IT, and travel staff who would be needed for excepted activities.

Federal Bureau of Investigation (FBI): As a Presidential Appointee, the FBI Director is not subject to furlough. All FBI agents and support personnel in the field are excepted from furlough because they directly address and/or provide essential assistance to mitigate imminent threats to human life or property through the FBI's national security and law enforcement operations. In addition, headquarters personnel will be excepted to the extent that they support excepted functions, including field operations. All work conducted will focus on excepted functions in support of national security and law enforcement operations, which includes personnel that provide fingerprint identification services, name check services for criminal and national security investigations, gun checks through the National Instant Criminal Background Check System, critical law enforcement surge efforts, and other essential functions. Non-excepted functions will not proceed during a lapse in appropriations.

Office of Community Oriented Policing Services (COPS): As a Presidential Appointee, the COPS Director is not subject to furlough. The grants awarded by the Department are funded from no-year appropriations, as are the employees who administer those grants. As a result, these activities may continue during a lapse as long as sufficient Salaries and Expenses (S&E) carryover funds remain and based upon input from Department leadership regarding mission requirements. However, for the sake of the FY 2026 contingency exercise, the grant programs are reflecting the level of personnel who would be needed if they had to reduce the personnel to only those most critical during a shutdown.

Office of Justice Programs (OJP): As a Presidential Appointee, the Assistant Attorney General for OJP is not subject to furlough. The grants awarded by the Department are funded from no-year appropriations, as are the employees who administer those grants. As a result, these activities may continue during a lapse as long as sufficient S&E carryover funds remain and based upon input from Department leadership regarding mission requirements. However, for the sake of the FY 2026 contingency exercise, the grant programs are reflecting the level of personnel who would be needed if they had to reduce the personnel to only those most critical during a shutdown.

Office on Violence Against Women (OVW): As a Presidential Appointee, the OVW Director is not subject to furlough. The grants awarded by the Department are funded from no-year appropriations, as are the employees who administer those grants. As a result, these activities may continue during a lapse as long as sufficient S&E carryover funds remain and based upon input from Department leadership regarding mission requirements. However, for the sake of the FY 2026 contingency exercise, the grant programs are reflecting the level of personnel who would be needed if they had to reduce the personnel to only those most critical during a shutdown. For OVW, this level of personnel is approximately sixteen (or thirteen percent of the total 120 current on-board staff).

Bureau of Prisons (BOP): All staff at the Federal prisons, including Public Health Service Officers necessary to provide medical care of inmates, are considered excepted since they have direct daily inmate custody responsibilities. Employees are also needed to continue inmate custody responsibilities for over 28,800 inmates in contract facilities and process all new designations to federal prisons from the Courts. Regional and headquarters support will be maintained only to the extent necessary to support excepted operations. BOP's Buildings and Facilities, Prison Industries, and Commissary accounts have multi-year authority and should have adequate carry-over funding to meet expenses during a lapse in appropriations.

Foreign Claims Settlement Commission (FCSC): As Presidential Appointees, the Commissioners are not subject to furlough. All staff would be furloughed; therefore, staff activity related to the settlement of foreign claims would be postponed.

U.S. Parole Commission (USPC): The USPC has a total of twenty-six excepted employees: four Attorneys, two Commissioners, and twenty senior staff, hearing examiners, and case analysts. The excepted USPC employees are needed to respond to requests for emergency warrants and process parole certificates. Due to the constitutional prohibitions against the suspension of the writ of habeas corpus, this litigation has continued and is expected to continue in all judicial districts.

Table 2: FY 2026 Department of Justice Contingency Plan On-Board vs. Excepted Employees³

Name	Total On Board	Excepted				
		Total	Special Agent	Intel Analyst	Attorney	Other Staff
ATF	5,146	4,050	2,370	287	51	1,342
ATJ	33	0	0	0	0	0
ATR	761	457	0	0	321	136
BOP	36,019	34,745	15,903	0	202	18,640
CIV	1,439	829	0	0	677	152
COPS	83	9	0	0	1	8
CRM	1,060	899	0	0	608	291
CRS	53	0	0	0	0	0
CRT	632	136	0	0	96	40
DEA	8,875	7,581	4,063	651	121	2,746
ENRD	506	245	0	0	220	25
EOIR	2,559	2,314	0	0	1,092	1,222
FBI	36,755	36,755	13,288	3,180	222	20,065
FCSC	8	3	0	0	1	2
INTERPOL	65	65	0	0	2	63
LEADERSHIP & JMD	1,069	261	0	0	24	237
NSD	360	242	0	3	189	50
OCDETF	52	14	0	4	3	7
OIG	554	329	119	0	5	205
OJP	796	41	0	0	2	39
OLC	23	21	0	0	18	3
OSG	48	38	0	0	22	16
OVW	120	16	0	0	2	14
PARDON	33	8	0	0	3	5
TAX	412	218	0	0	174	44
USA	11,191	7,368	40	45	4,802	2,481
USMS	5,535	5,201	3,820	30	22	1,329
USPC	40	26	0	0	4	22
USTP	904	420	0	0	242	178
TOTAL	115,131	102,291	39,603	4,200	9,126	49,362

³ This chart includes components that will be eliminated on October 1, 2025, because it reflects the number of personnel onboard at the time the FY 2026 Contingency Plan was developed.

Table 3: FY 2026 Department of Justice Contingency Plan Excepted Employees by Category

Categories	Employees Excepted from Furlough				
	Total	Agent	Intel Analyst	Attorney	Other
Category 1	4,930	390	97	902	3,541
Category 2	1,408	0	0	1,016	392
Category 3	3,190	259	36	300	2,595
Category 4	30	0	0	9	21
Category 5	92,733	38,954	4,067	6,899	42,813
TOTAL	102,291	39,603	4,200	9,126	49,362

Category 1 = Employees whose compensation is financed by a resource other than annual appropriations.

Category 2 = Employees necessary to perform activities expressly authorized by law.

Category 3 = Employees necessary to perform activities necessarily implied by law (including Presidentially-appointed and Senate-confirmed employees).

Category 4 = Employees necessary to the discharge of the President's constitutional duties and powers.

Category 5 = Employees necessary to protect life and property.